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the unloading is prevented by unavoidable causes. A statute changing the common law modifies it no further than the clear import of its language necessarily implies. *Johnson v. Southern Pacific Co.*, 117 Fed. 462. The decisions under this statute give no indication of relieving the carrier of his common-law liability, and uniformly consider its only purpose to be the prevention of cruel treatment of animals in interstate shipments. See *Chesapeake & Ohio Ry. Co. v. American Exchange Bank*, 92 Va. 495, 502, 23 S. E. 935, 937. *United States v. St. Louis, I. M. & S. Ry. Co.*, 177 Fed. 205. The liability of the carrier in transportation is still left as at common law. See *Missouri Pacific Ry. Co. v. Ivy*, 79 Tex. 444, 446, 15 S. W. 692, 693. The court seems to go beyond legitimate bounds in an attempt to cut down the carrier's common-law liability.

**CARRIERS — PERSONAL INJURIES TO PASSENGERS — CONTAGIOUS DISEASE OF FELLOW PASSENGER.** — The plaintiff sued as administrator for the death of his intestate, alleged to have been caused by contagious disease contracted from a fellow passenger of the intestate on the defendant's railroad. The defendant's conductor had no knowledge of the disease of the fellow passenger. *Held*, that the plaintiff cannot recover. *Bogard's Admr. v. Illinois Central R. Co.*, 139 S. W. 855 (Ky.).

A carrier is under a duty to use the highest care to provide safe conveyances, and is liable for injuries to passengers resulting from defects which might have been discovered by the use of such care. *Palmer v. President, etc. of Delaware & Hudson Canal Co.*, 120 N. Y. 170, 24 N. E. 302; *International & Great Northern Ry. Co. v. Anthony*, 24 Tex. Civ. App. 9, 57 S. W. 897. A carrier is under a duty to use the highest care to protect passengers from foreseeable injuries by their fellow passengers. *Kuhlen v. Boston & Northern Street Ry. Co.*, 193 Mass. 341, 79 N. E. 815. It would not be practicable to extend the duty of inspection of conveyances to inspection of passengers. *Cf. Gulf, Colorado & Santa Fe Ry. Co. v. Shields*, 9 Tex. Civ. App. 652, 29 S. W. 652. But the duty of the carrier would seem to require the conductor to take precautions when a reasonably prudent man would be so impelled by the facts under his observation. *Cf. Houston & T. C. R. Co. v. Phillio*, 67 S. W. 915 (Tex.). Under this view the decision in the principal case may be questioned. But *cf. Long v. Chicago, Kansas & Western R. Co.*, 48 Kan. 28, 28 Pac. 977.

**CONSPIRACY — CRIMINAL LIABILITY — EFFECT OF GRANTING NEW TRIAL TO ONE DEFENDANT.** — A new trial was granted one of several defendants indicted for conspiracy, on errors in no way prejudicial to the others, one of whom appealed. *Held*, that the verdict should stand as to the appellant. *Dufour v. United States*, 39 Wash. L. R. 714 (D. C., Ct. App.).

This case follows a recent American decision. *Browne v. United States*, 145 Fed. 1. But it is opposed to the weight of authority. *Queen v. Gompertz*, 9 Q. B. N. S. 824; *Isaacs v. State*, 48 Miss. 234. There seems to be no reason on principle why a new trial should not be given to one conspirator and refused to another, if it is certain that the error affected only the first. As a practical matter it usually will affect both, but by no means necessarily. There is, of course, no repugnancy in acquitting some and convicting others of those jointly indicted for conspiracy. *Jones v. Commonwealth*, 31 Grat. (Va.) 836.

**CONSTITUTIONAL LAW — DUE PROCESS OF LAW — INHERITANCE TAX ON DEPOSITED PROPERTY COLLECTED THROUGH SAFE DEPOSIT COMPANY.** — A statute provided that a safe deposit company on the death of a depositor should give the proper state officials ten days' notice before delivering over the property deposited to the legal representatives of the deceased and should retain a sufficient amount thereof to pay an inheritance tax on such property or be